IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4543 OF 2006

Shriram Narayan Khalokar .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.R.D.Suryavanshi for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 22nd December 2006

P.C.

. The applicant is apprehending arrest in connection with C.R.No.I-230 of 2006 registered by Shahapur Police Station alleging offences of cheating and forgery.

2. The specific case of the applicant is that he retired as Taluka Inspector of Land Records on 30th April 2006. He was in Government service for 30 years. He was posted at Shahapur

in July 2002 and worked at Shahapur till his retirement.

3. The second specific averment in the application is that the complainant who has lodged this F.I.R. on 10th November 2006 pertaining to a property at Shahapur has a pending litigation with the persons allegedly encroaching upon the land. Special Civil Suit No.152 of 2004 is pending in the court of civil Judge, Senior Division, Kalyan. Allegation is that the applicant prepared false reports. However, the applicant had during the course of his official duties carried out the alleged work. He had powers under the Land Revenue Code to correct the land records. The alleged offence took place in 2004 whereas the complaint is filed in 2006. Considering that all documents are seized and in any event are Government records, no custodial interrogation of applicant is necessary. The applicant is a retired person and

based in Navi Mumbai having his own property. He is willing to cooperate and would attend as and when summoned.

4. Mr.Suryavanshi invites my attention to the above averments so also para 3 of the order passed by the learned Additional Sessions Judge, Kalyan.

5. Learned A.P.P. could not dispute the above facts and contends that custodial interrogation was necessary as observed by the learned Judge. In my view, considering the nature of the allegations so also all records already in the custody of prosecution and in any event, forming part of proceedings before the civil court, custodial interrogation is unnecessary. There is no apprehension that the applicant would not be available for investigation and at trial. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.I-230 of 2006 registered with Shahapur Police Station, the applicant shall be enlarged on bail in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the Shahapur police station as and when summoned. Applicant shall not leave Navi Mumbai without prior permission of the trial court.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade

him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)